

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CAP Co., Ltd.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

No. 2:14-cv-01899-MJP

**STIPULATION AND JOINT  
MOTION TO STAY  
PROCEEDINGS**

**NOTE ON MOTION CALENDAR:  
June 15, 2015**

Plaintiff CAP Co., Ltd. ("CAP Co.") and Defendant Microsoft Corporation  
("Microsoft") respectfully submit this stipulation for stay of proceedings and state as follows:

WHEREAS, on November 17, 2014, CAP Co. filed suit in the Northern District of  
California for infringement of the same patents asserted in this matter (*CAP Co., Ltd. v.*  
*McAfee, Inc.*, Case No. 3:14-cv-05068-JD and *CAP Co., Ltd. v. Symantec Corporation*, Case  
No. 3:14-cv-05071-JD) (collectively "California Cases");

WHEREAS, on March 23, 2015, the Court in the California Cases entered an Order  
setting a schedule for Claim Construction to and including November 19, 2015 for a Markman  
hearing, and consolidating the briefing and argument of claim construction in those two cases;

1 WHEREAS, the Parties believe that staying the case pending claim construction in the  
2 California Cases may avoid duplication of effort and has the potential to narrow the scope of  
3 claim construction issues that need to be decided in this Court;

4 WHEREAS, the parties have continued to confer on a resolution of the issues raised in  
5 this lawsuit and believe that a claim construction of the Patents-in-Suit in the California Cases  
6 may facilitate settlement discussions, which, if successful, would avoid unnecessary burdens on  
7 the Court and unnecessary burdens and legal fees being borne by the parties;

8 WHEREAS, on June 15, 2015, the Parties filed a Joint Status Report informing the  
9 Court that the Parties had agreed on a schedule should the case not be stayed;

10 NOW, THEREFORE, the Parties, through their respective undersigned counsel, hereby  
11 stipulate, subject to the Court's approval, as follows:

12 (1) Plaintiff will serve its Amended Disclosure of Asserted Claims and  
13 Infringement Contentions on June 22, 2015 ("Amended Infringement Contentions");

14 (2) The Parties agree, subject to Court approval, that except for service of Amended  
15 Infringement Contentions, the case shall be stayed until 30 days after issuance of a final claim  
16 construction order in the California Cases;

17 Upon issuance of the claim construction order in the California Cases, the parties will  
18 meet and confer regarding a proposed schedule in this litigation and/or proposed continuance of  
19 the stay in this litigation and shall submit a Joint Status Report to the Court with the proposed  
20 schedule within 14 days of the expiration of the stay.

1 DATED this 15<sup>th</sup> day of June, 2015.

Respectfully submitted,

2 By: /s/ Philip P. Mann  
Philip P. Mann

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 15, 2015 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Philip P. Mann	_____	U.S. Mail
Timothy J. Billick	_____	Hand Delivery
Mann Law Group	_____	Overnight Mail
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*Attorneys for Plaintiff CAP Co., Ltd.*

DATED this 15<sup>th</sup> day of June, 2015.

/s/ Stuart R. Dunwoody

Stuart R. Dunwoody